



Dauphin County Reporter ADVANCE SHEET

(USPS 810-200)

A weekly Journal containing the decisions rendered in the 12th
Judicial District

No. 5978 Vol. 125

July 11, 2014

No: 113

Entered as Second Class Matter, February 16, 1898, at the Post Office at Harrisburg, PA., under the Act of Congress of March 31, 1879.

TERMS: Advertisements must be received before 12 o'clock noon on Tuesday of each week at the office of the Dauphin County Reporter, 213 North Front Street, Harrisburg, PA 17101: Telephone: (717) 232-7536.

Laky v. Laky
Bar Association Page

404
Inside Back Cover



The
Dauphin County Reporter
Edited and published
by the
Dauphin County Bar Association
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

ELIZABETH G. SIMCOX
Executive Director
JOYCE A. TAMBOLAS
Administrative Assistant
BRIDGETTE L. HILBISH
Reporter Secretary

Printed by:
KURZENKNABE PRESS
1424 Herr St., Harrisburg, PA 17103

THE DAUPHIN COUNTY REPORTER (USPS 81-200) is published weekly by the Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101. Periodical postage paid at Harrisburg, PA. POSTMASTER: Send address changes to THE DAUPHIN COUNTY REPORTER, 213 North Front Street, Harrisburg, PA 17101.

TERMS: Advertisements must be received before 12 o'clock noon on Tuesday of each week at the office of the Dauphin County Reporter, 213 North Front Street, Harrisburg, PA 17101; Telephone: (717) 232-7536.



Estate Notices

DECEDENTS ESTATES

NOTICE IS HEREBY GIVEN that letters testamentary or of administration have been granted in the following estates. All persons indebted to the estate are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors or their attorneys named below.

FIRST PUBLICATION

Estate Notices

ESTATE OF JOSEPH P. KLESH, (died: June 13, 2014), late of Penbrook Borough, Dauphin County, Pennsylvania. Executor: Joseph P. Klesh.

Elizabeth P. Mullaugh, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
P. O. Box 1166
Harrisburg, PA 17108-1166
jy11-25 (717) 232-8000

ESTATE OF ETTA R. ROETENBERG, late of Swatara Township, Dauphin County, Pennsylvania. Executor: Aaron Roetenberg, c/o Dennis Cullen, Esquire, Cipriani & Werner, P.C., 1011 Mumma Road, Suite 201, Lemoyne, PA 17043.

jy11-25

ESTATE OF MARY ELIZABETH KENDALL, (died: May 18, 2014) late of Derry Township, Dauphin County, Pennsylvania. Personal Representatives: Judith A. Zimmerman (Shulley), 17 Leearden Road, Hershey, PA 17033 or William H. Saye, Jr., 1648 Spring Hill Drive, Hummelstown, PA 17036 or Attorney: Jean D. Seibert, Esquire, CALDWELL & KEARNS, PC, 3631 North Front Street, Harrisburg, PA 17110.

jy11-25

ESTATE OF KATHLEEN D. MUSSER, A/K/A MARY KATHLEEN MUSSER, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Mary E. Stuck, 973 Shippen Dam Road, Millersburg, PA 17061 or to Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600.

jy11-25

ESTATE OF SYLVIA M. RITTER, (died: October 30, 2011), late of Dauphin County, Pennsylvania. Administrator: John C. Pope, 4005 Lexington St., 2nd Floor Harrisburg, PA 17109. Attorney: Rachael L. Baturin, Esquire, Baturin & Baturin, 2604 N. Second Street, Harrisburg, PA 17110.

jy11-25

FIRST PUBLICATION

Estate Notices

ESTATE SHIRLEY H. SHIFFLETT, (died April 2, 2014), late of Derry Township, Dauphin County, Pennsylvania. Executor: Cara L. Shifflett-Engle, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or Attorney: Estate of Shirley H. Shifflett, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. jy11-25

ESTATE OF SARA E. DAVIS, late of Lower Paxton Township, Pennsylvania. Executrix: Valerie Trout, 101 South Madison Street, Harrisburg, PA 17109 or to Attorney: Ira H. Weinstock, Esquire, 800 North Second Street, Harrisburg, PA 17102. jy11-25

ESTATE OF HENRY V. WALKOWIAK (died June 21, 2014), late of Swatara Township, Dauphin County, Pennsylvania. Executor: Jered L. Hock c/o Attorney: Jered L. Hock 1334 Kiner Blvd., Carlisle, PA 17015. jy11-25

ESTATE OF JOHN J. LIDDICK, late of Lower Paxton Township, Dauphin County, Pennsylvania. Administrator: Ronald D. Butler, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043 or to Attorney: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. jy11-25

ESTATE OF ANNA E. UNDERKOFFLER late of Williamstown, Pennsylvania.

KEITH HOPPEs, Esquire
HOPPEs LAW, LLC
222 East Grand A venue
Tower City, PA 17980
jy11-25

ESTATE OF JOSEPH C. TRUIT, (died June 9, 2014) late of Lykens Borough, Dauphin County, Pennsylvania. Executrix: Rhonda Shomper 145 Mountain View Road, Elizabethtville, PA 17023. Attorney: Gregory M. Kerwin, Esquire, Kerwin & Kerwin, LLP, Attorneys at Law, 4245 State Route 209, Elizabethtville, PA 17023. jy11-25

ESTATE OF JEFFREY M. MOTTERN, late of Hummelstown Borough, Dauphin County, Pennsylvania. Administrator, C.T.A.: Jeffrey B. Engle, Esquire, 2205 Forest Hills Drive, Suite 10, Harrisburg, PA 17112, (717) 545-3032. jy11-25

ESTATE OF EVA MAE HOFFMAN, (died April 11, 2014), late of the Township of Lykens, County of Dauphin, Pennsylvania. Administratrix: Vicki R. Jones, P.O. Box 26, Gratz, Pennsylvania 17030; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtville, Pennsylvania 17023. jy11-25

ESTATE OF CHARLOTTE JEAN DAGEN A/ K/A CHARLOTTE J. DAGEN, (died June 11, 2014), late of the Township of Washington, County of Dauphin, Pennsylvania. Executor: Steven E. Dagen, 1125 North Second Street, Lykens, PeIll1sylvania 17048; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtville, Pennsylvania 17023. jy11-25

SECOND PUBLICATION

Estate Notices

ESTATE OF ROLAND GLENN EAGLE, (died: July 21, 2013), late of Derry Township, Dauphin County, Pennsylvania. Administrator: Glenn Eagle, 322 North Catherine Street, Middletown, PA 17057.

Elizabeth H. Feather, Esquire
Caldwell & Kearns, P.C.
3631 North Front Street
Harrisburg, PA 17110
(717) 232-7661

jy4-18

ESTATE OF CHANNING H. FOX A/K/A CHANNING HENRY FOX A/K/A CHANNING HENRY FOX, MD, late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Frederick Seaman Fox, 4525 Deer Path Road, Harrisburg, PA 17110. Attorney: Kathleen B. Murren, Esquire, SkarlatosZonarich LLC, 17 South 2nd Street, 6th Floor, Harrisburg, PA 17101. jy4-18

ESTATE OF BARBARA A. GONTZ, (died: June 6, 2014), late of Lower Swatara Township, Dauphin County, Pennsylvania. Executor: Thomas A. Moore, Jr., c/o Pannebaker & Mohr, P.C., 4000 Vine Street, Suite 101, Middletown PA 17057 or to Attorney: Kendra A. Mohr, Esq., Pannebaker & Mohr, P.C., 4000 Vine Street, Suite 101, Middletown PA 17057, (717) 944-1333.

jy4-18

ESTATE OF FANNIE SMITH (died: September 8, 2013), late of the Swatara Township, Dauphin County, Pennsylvania. Administrator: Charles H. Wallace, Jr., 106 Agnes Street, Harrisburg, PA 17104 or to: Jill M. Wineka, Esquire, Purcell, Krug & Haller, 1719 North Front Street, Harrisburg, PA 17102. jy4-18

ESTATE OF KEVIN M. SHERK, late of Lower Paxton Township, Dauphin County, Pennsylvania. Administrator: Susan K. Sherk and Thomas J. Sherk, c/o E. Ralph Godfrey, Esquire, Cipriani & Werner, P.C., 1011 Mumma Road, Suite 201, Lemoyne, PA. jy4-18

SECOND PUBLICATION

Estate Notices

ESTATE OF THYRA C. GILLESPIE, (died: May 5, 2014), late of 154 Rosedale Apartments Hershey Pa 17033 Executor/Administrator: Michael O. Gillespie, 1729 Verbeke Street, Harrisburg Pa, 17103.

ATTORNEY: Bradford Dorrance
417 Walnut Street
PO Box 11963
Harrisburg PA 17108-1963

jy4-18

ESTATE OF DORIS L. KEEFER, (died: May 30, 2014), late of Swatara Twsp, Dauphin County, Pennsylvania. Executor: Paul C. Fisher, Estate of Doris L. Keefer, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110.

jy4-18

ESTATE OF JASON MICHAEL SHADE (died: May 14, 2014), late of the Township of Mifflin, County of Dauphin, Pennsylvania. Administratrix: Lily L. Shade, 5365 State Route 209, Elizabethtown, Pennsylvania 17023; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, Pennsylvania 17023.

jy4-18

THIRD PUBLICATION

Estate Notices

ESTATE OF ARLENE M. LEHMAN, late of Hershey, Pennsylvania. Executor: Robert J. Lehman, c/o Randall K. Miller, Esquire, 1255 South Market Street, Suite 102, Elizabethtown, PA 17022.

jn27-jy11

ESTATE OF MARTHA GAIL BEAN, (died: December 18, 2013), late of Swatara Township, Dauphin County, Pennsylvania. Executor: Delmar Mosely, 304 Lincoln Avenue, Harrisburg, PA 17111 or to Attorney; Jacqueline A. Kelly, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, Telephone: 717-541-5550.

jn27-jy11

ESTATE OF LORETTA S. HOYLER, late of the Middletown Borough, Dauphin County, Pennsylvania. Executor: Kenneth J. Hoyler, 129 Race Street, Middletown, PA 17057 or to Attorney: Bridget M. Whitley, Esquire, SkarlatosZonarich LLC, 17 South 2nd Street, 6th Floor, Harrisburg, PA 17101.

jn27-jy11

ESTATE OF LORENE V. SZEIM, (died: April 11, 2014), late of 6550 Parkway East, Harrisburg, PA Dauphin County. Executrix/Administratrix: Karen L. Sweetheimer, 6550 Parkway East, Harrisburg, PA 17112.

jn27-jy11

ESTATE OF PAUL W. ENDERS, (died: May 28, 2014), late of Swatara Township, Dauphin County, Pennsylvania. Co-Executors: C. Irene Wolford and Richard A. Wolford, 202 Wyndham Court, Harrisburg, PA 17109 or to: Gary L. James, Esquire, JSDC LAW OFFICES, 134 Sipe Avenue Hummelstown, PA 17036, (717) 533-3280.

jn27-jy11

ESTATE OF DORIS E. MATTER, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: James G. Matter, 4102 Walnut Street, Harrisburg, PA 17109-2249 or to Attorney: Steve C. Nicholas, Esquire, Nicholas Law Offices, PC, 2215 Forest Hills Drive, Suite 37, Harrisburg, PA 17112-1099.

jn27-jy11

ESTATE AND TRUST OF FRANCES M. WIDMAN, Decedent and Settlor of a Revocable Trust Dated September 22, 1989, late of Derry Township, Dauphin County, PA, died on May 29, 2014, send claims or make payments to: Gerald Snyder, Executor, and Fulton Bank, N.A., Trustee, c/o George W. Porter, Esq., 909 East Chocolate Ave., Hershey, PA 17033.

jn27-jy11

ESTATE OF ORVILLE F. STAHL, (died: May 7, 2014), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Nancy L. Butz, 1152 Pond Road, Harrisburg, PA 17111 or to Attorney: Jan L. Brown, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, Telephone: 717-541-5550.

jn27-jy11

ESTATE OF RUTH C. ROGOFF, late of Susquehanna Township, Dauphin County, Pennsylvania. Co-Executor: Janice B. Lieberman, 417 Redwood Street, Harrisburg, PA 17109 or Co-Executor: Eric A. Rogoff, 968 Wilamit Drive, Bethel Park, PA 15102 or Attorney: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043.

jn27-jy11

ESTATE OF HARVEY C. HELMAN A/K/A HARVEY C. HELMAN, JR., late of South Hanover Township, Dauphin Co., PA. Executrix: Sarah A. Miller, c/o John R. Elliott, Esquire, Anstine & Sparler, 117 E. Market St., York, PA 17401. John R. Elliott, Esq., Attorney. jn27-jy11

ESTATE OF HELEN E. TYLER, (died: January 20, 2014), late of Landisburg, Pery County, Pennsylvania. Executor: Kevin A. Young, 103 Hunters Road, Newville, PA 17241 or to Attorney: Mark A. Mateya, Esquire, 55 W. Church Avenue, Carlisle, PA 17013, (717) 241-6500.

jn27-jy11

Laky v. Laky

and evidence presented at the hearing before this court conducted on December 5, 2013, it is hereby **ORDERED** that:

1. Settlement of the within action in the amount of \$125,000.00 is **APPROVED**;

2. The gross settlement amount shall be apportioned 100% to the Survival Action, Estate of Raymond Frank;

3. Counsel fees to Handler, Henning and Rosenberg, LLP, in the amount of \$50,000.00 (40% of \$125,000.00) are **APPROVED**;

4. Costs in the amount of \$2,165.97 to Handler, Henning and Rosenberg, LLP, are **APPROVED**.

—○—

Laky v. Laky**Domestic Relations - Spousal Support - Child Support - Earning Capacity - Educational Grants**

Petitioner/Defendant sought a reduction in his support obligation to his former wife and their three children. He contended that, as a full-time college student, he should be assigned no earning capacity, and also that his income should not include monies received from federal and state educational grants. The Court denied both claims, finding the Defendant's decision to forego full time earnings in order to attend college was clearly voluntary and "subordinated the immediate financial needs of his children to his career aspirations."

1. Where a party willfully fails to obtain appropriate employment, his or her income will be considered equal to his or her earning capacity, not equal to his or her actual earnings. *Ney v. Ney*, 917 A.2d 863, 866 (Pa. Super. 2007); *Pa.R.C.P.* 1910.16-2(d)(4).

2. A person's earning capacity is defined not as an amount which the person could theoretically earn, but as that amount which the person could realistically earn under the circumstances, considering his or her age, health, mental and physical condition and training. *Haselrig v. Haselrig*, 840 A.2d 338, 340 (Pa. Super. 2003). Where a party voluntarily assumes a lower paying job, there generally will be no effect on the support obligation. *Pa.R.C.P.* 1901.16-2(d)(1).

Laky v. Laky

3. When determining income available for child support, the court must consider all forms of income. *Arbet v. Arbet*, 863 A.2d 34, 40 (Pa. Super. 2004). All of a parent's resources are available to satisfy the parent's child support obligation. *Rittel v. Rittel*, 485 A.2d 30, 35 (Pa. Super. 1984). Income includes "entitlements to money...without regard to source...and any form of payment due to and collectible by an individual regardless of source." 23 Pa.C.S.A. § 4302.

C.P., Dau. Co., No. 64 DR 2013; PACSES No. 125113745.

Nichole M. Staley O'Gorman, for Plaintiff

John W. Purcell, Jr., for Defendant

OPINION

Turgeon, J., June 24, 2014. – Currently before the Court is Defendant Gerard Laky III's petition seeking to reduce his support obligation. Defendant contends that the income assigned to him used to calculate his support payment has been overstated. Specifically, he argues that the court erred by assigning him a full-time earning capacity when he is a full-time college student. Defendant claims he should have been assigned no earning capacity. He also contends that his income should not include monies received from federal and state educational grants. For the reasons set forth below, I deny both of his claims, finding him capable of a full-time earning capacity and also finding the educational grant monies to be income under Pennsylvania support law.

BACKGROUND

Defendant and Plaintiff Katherine Laky were married June 20, 2005 and divorced November 13, 2013. They have three young children, currently ages seven, six and two, who primarily reside with Plaintiff. Plaintiff filed a complaint seeking support January 7, 2013. Following an office conference, I issued orders as recommended by the conference officer, directing Defendant pay child and spousal support. After Defendant sought de novo review, and following a hearing, I issued an order July 18, 2013, directing that, effective January 7, 2013, Defendant pay Plaintiff \$2,607 per month, allocated \$2,225 for child support and \$382 for spousal support. In determining the amount of support due, I assigned Defendant a monthly net income of \$4,486. At the time the order was entered, obligor was a full-time undergraduate student at Penn State University who was not employed. Defendant's assigned income included federal and state educational grants, a government housing allowance and VA disability benefits. I also assigned him full-time wages based upon an earning capacity of \$10 per hour over a forty-hour work week. (*See* N.T. 2/26/14 at 3, 4)

Laky v. Laky

Petitioner did not appeal from the July 18, 2013 order; however, shortly thereafter, on August 1, 2013, he filed a petition to suspend his support obligation based upon increased custodial time. Following an office conference, I entered two orders on December 26, 2013, as recommended by the conference officer. The first, effective, August 1, 2013 through November 12, 2013, required Defendant to pay \$2,352 per month allocated \$1,992 for child support (\$1,304 basic child support, \$665 child care, \$22 dance) and \$360 for spousal support. Effective November 13, 2013, the date of the parties' divorce, the order was reduced to child support only, of \$1,992 per month.

In determining the support due, the conference officer assigned Defendant and Plaintiff monthly net incomes of \$4,343 and \$1,150, respectively. Defendant's income again included federal Pell grant money, the housing allowance, VA disability benefits and the same earning capacity assigned to him in the prior proceeding. The conference officer also included as income to Defendant state educational grant money he was not receiving in 2014 because, according to the conference officer, Defendant told her at the conference that he did not apply for the state grant solely because he did not want that money included in calculating his support obligation.¹(N.T. 4-5) Plaintiff, who had been primarily a stay-at-home parent during the parties' marriage, was assigned an earning capacity of \$7.50 per hour working full-time (forty hours per week).

Defendant filed a timely request for a de novo hearing, held February 26, 2014. The relevant evidence offered concerning Defendant's income and earning capacity was as follows: Defendant is a U.S. Army veteran who served eight years as a military police officer. He was honorably discharged in 2012. The VA provides him with a monthly disability payment of \$1,281 per month. Defendant claims he was discharged from the military with a 60% service disability (PTSD) he suffered during his foreign deployments and that as a result, he is not capable of employment. (N.T. 8-9, 12) He enrolled at Penn State in the fall of 2012 initially majoring in criminal justice and most recently in recreation, park and tourism management. While at Penn State, his tuition has been paid through the GI Bill. (N.T. 15-16) In addition, he has received a federal Pell grant as well as a state educational grant which cover non-tuition

1. Defendant's income included \$5,645 per year federal Pell grant (net), \$3,700 per year state grant (net), \$10,179 per year housing allowance (net) based upon a stipend of \$1,131 per month for nine months, \$15,372 per year VA benefits (net) and an earning capacity of \$400 per week (gross). (See N.T. 23)

Laky v. Laky

expenses including living expenses. (N.T. 9-10, 12, 15-16) He also receives a housing allowance through the GI Bill which is conditioned upon his attendance at school. (N.T. 9-10, 12). As of the de novo hearing, Defendant was residing with his mother and had minimal living expenses including no car payment. (N.T. 29-30)

Despite his disability and his claim at the de novo hearing he is unable to work, Defendant was previously employed for a few months in 2012 as a security guard earning \$12 per hour. That employment ended when he was laid off following which he received unemployment compensation between April 2012 through April 2013. (*See* N.T. 21) Defendant has also worked in construction since his military discharge.² (N.T. 21, 30) Nevertheless, Defendant claimed he cannot attend school full-time and also work, and that his doctors would confirm this, though he offered no medical or expert evidence of his lack of employability. (N.T. 18, 30) At the de novo hearing, Plaintiff asserted that at the most recent Domestic Relations Section office conference, Defendant told the conference officer that he chooses not to work since any income he makes will be attributed to him (and increase his support obligation). (N.T. 21-22, 30) The Domestic Relations Section Director confirmed that Defendant indeed told the conference officer that if he is held to an earning capacity, he will get a doctor's letter stating he is disabled. (N.T. 21-22) Defendant did not refute that he made such a statement. (*See* N.T. 22, 30)

Defendant also argued at the de novo hearing that the \$10,719 housing allowance attributed to him was too high; instead, he suggested the amount was only \$7,000 per year. (N.T. 10) Defendant provided no evidence in support and as such, I agreed to hold the record open to allow Defendant to provide supporting documentation. (N.T. 17) Defendant thereafter failed to produce any supporting evidence, just a conclusory statement that his yearly allowance is \$8,484 (\$707 per month). Defendant additionally sought credit for bowling league expenses he paid for the children when he has them on alternating weekends. I permitted him leave of court to provide supporting documentation which he submitted, showing he paid \$155 total over the past year for bowling expenses.

2. In Defendant's de novo appeal (filed 1/14/14), Defendant indicated that he had been working for Ryan L. Ford Contracting (Lewistown) until he was laid off there August 23, 2013.

Laky v. Laky

With regard to Plaintiff's income, she testified at the de novo hearing that she started a new job January 14, 2014 at a daycare center earning \$9.50 per hour. She had been averaging 34 hours per week through the date of the de novo hearing. She is permitted to work up to forty hours per week if such hours are available. (N.T. 20) As an employee benefit, her daycare expenses reduced to \$250 per week / \$1,083 per month as of January 14, 2014. Given the parties' current custody schedule, Plaintiff will use daycare 46 weeks per year. (N.T. 23)

At the conclusion of the hearing, I took the matter under advisement to permit Defendant to supplement the record as noted above and to allow the parties to submit post hearing briefs on the issues raised.

Legal Discussion

Defendant primarily argues that his income should not include an earning capacity or educational grant monies. As noted above, I disagree with Defendant's argument on the earning capacity issue, finding him capable of full-time employment. I also deny his request to exclude the educational grant monies from his income, rejecting Defendant's assertion that they are akin to gifts and/or public assistance, both of which are excluded as income under Pennsylvania support law.

Earning Capacity

Generally, parents have an absolute obligation to support their children and this obligation "must be discharged by the parents even if it causes them some hardship." *Mencer v. Ruch*, 928 A.2d 294, 297 (Pa. Super. 2007) (citations omitted). "[I]n Pennsylvania, a person's income must include his earning capacity, and a voluntary reduction in earned income will not be countenanced[.]" *Id.* "Where a party willfully fails to obtain appropriate employment, his or her income will be considered to be equal to his or her earning capacity[.]" not equal to his or her actual earnings. *Ney v. Ney*, 917 A.2d 863, 866 (Pa. Super. 2007) (citation omitted).

The law governing support is set forth in the Domestic Relations Code, as well as the Support Guidelines promulgated by general rule of the Pennsylvania Supreme Court.³ Pa.R.C.P. 1910.16-1 through

3. The Rules of Civil Procedure promulgated by the Supreme Court, which include the Support Guidelines, have the force of statute, *Maddas v. Dehaas*, 816 A.2d 234, 238 (Pa. Super 2003).

Laky v. Laky

1910.16-7. The applicable Support Guidelines addressing earning capacity are as follows:

Rule 1910.16-2. Support Guidelines. Calculation of Net Income.

(d) Reduced or Fluctuating Income.

* * *

(4) *Earning Capacity*. If the trier of fact determines that a party to a support action has willfully failed to obtain or maintain appropriate employment, the trier of fact may impute to that party an income equal to the party's earning capacity. Age, education, training, health, work experience, earnings history and child care responsibilities are factors which shall be considered in determining earning capacity. In order for an earning capacity to be assessed, the trier of fact must state the reasons for the assessment in writing or on the record. Generally, the trier of fact should not impute an earning capacity that is greater than the amount the party would earn from one full-time position. Determination of what constitutes a reasonable work regimen depends upon all relevant circumstances including the choice of jobs available within a particular occupation, working hours, working conditions and whether a party has exerted substantial good faith efforts to find employment.

Pa.R.C.P. 1910.16-2(d)(4).

“[A] person's support obligation is determined primarily by the parties' actual financial resources and their earning capacity. Although a person's actual earnings usually reflect his earning capacity, where there is a divergence, the obligation is determined more by earning capacity than actual earnings.” *Baehr v. Baehr*, 889 A.2d 1240, 1244-45 (Pa. Super. 2005) (citing *Woskob v. Woskob*, 843 A.2d 1247, 1251 (Pa. Super. 2004) (citations omitted)). “[A] person's earning capacity is defined not as an amount which the person could theoretically earn, but as that amount which the person could realistically earn under the circumstances, considering his or her age, health, mental and physical condition and training.” *Haselrig v. Haselrig*, 840 A.2d 338, 340 (Pa. Super. 2003) (quoting *Strawn v. Strawn*, 664 A.2d 129, 132 (Pa. Super. 1995)). “Where a party assumes a lower paying job or willfully fails to obtain appropriate employment, the support obligation is determined by his assessed earning capacity.” *Woskob* at 1254 (citation omitted).

Laky v. Laky

In *Kersey v. Jefferson*, the superior court rejected the obligor father's claim that he was entitled to a support reduction when he enrolled in medical school. 791 A.2d 419, 423 (Pa. Super. 2002). The court stated as follow:

Child support is a shared responsibility requiring both parents to contribute to the support of their children in accordance with their relative incomes and ability to pay. *Depp v. Holland*, 431 Pa. Super. 209, 636 A.2d 204, 208 (Pa. Super. 1994) (citing *DeWalt v. DeWalt*, 365 Pa. Super. 280, 529 A.2d 508 (Pa. Super. 1987)). "Where a party voluntarily assumes a lower paying job, there generally will be no effect on the support obligation." Pa.R.C.P. 1910.16-2(d)(1). It is well settled that "to modify a support obligation based upon reduced income, a petitioner must first establish that the voluntary change in employment which resulted in a reduction of income was not made for the purpose of avoiding a child support obligation and secondly, that a reduction in support is warranted based on petitioner's efforts to mitigate any income loss." *Grimes v. Grimes*, 408 Pa. Super. 158, 596 A.2d 240, 242 (Pa. Super. 1991). Effectively, Appellant "must present evidence as to why he or she voluntarily left the prior employment and also as to why the acceptance of a lower paying job was necessary." *Id.* Where a party willfully fails to obtain appropriate employment, his or her income will be considered to be equal to his or her earning capacity. Pa.R.C.P. 1910.16-2(d)(4). A determination of earning capacity must consider the party's age, education, training, health, work experience, earnings history, and child care responsibilities. *Id.*

Id. at 423. The court held that while obligor had not quit a full time job to enroll in medical school for the purpose of avoiding his child support obligation (the first prong under *Grimes*), he was nevertheless not entitled to a support reduction since he failed to show why his acceptance of a lower paying job was necessary (the second prong under *Grimes*), reasoning as follows:

... the voluntary choice to forego current employment in order to further one's education is an employment decision that should be treated no differently than a decision to change jobs and salary. The *Grimes* Court stressed the importance of considering the children's needs in any employment decision:

We liken [Appellant's] duty of support to any other fixed obligation, i.e., mortgage, rent, car payment, which one must consider being able to meet upon a change in employment and salary. We believe this consid-

Laky v. Laky

eration should be as important to a parent of a [separated] family as it would be to a parent of an intact family when a change of employment is contemplated.

Grimes at 243. Moreover, case law pre-dating *Grimes* supports the same treatment for a decision to pursue an education and a decision to change employment in a request for support reduction. In *Snively v. Snively*, 206 Pa. Super. 278, 212 A.2d 905 (Pa. Super. 1965), this Court held that a reduction in support was not appropriate when a father left his job to pursue a college degree and experienced a reduction in income, even though he obtained alternate, lesser-paying employment. *Snively*, 206 Pa. Super. 278, 212 A.2d at 907. The *Snively* Court reasoned, and we agree:

The change of circumstances in this case that affects his earnings and earning power was brought about by the voluntary act of the appellant. His praiseworthy ambition to obtain an education, which may well work to the eventual advantage of his child, cannot be realized at the expense of his obligation to support the child, and . . . he cannot “arrogate unto himself the conditions under which he will support the child.”

Id.; see also *Commonwealth ex rel. Cragle v. Cragle*, 277 Pa. Super. 349, 419 A.2d 1179, 1181 (Pa. Super. 1980).

We agree with the trial court that while Appellant’s ambition to obtain a medical degree is “laudable and certainly commendable,” it was nonetheless voluntary and “subordinated the immediate financial needs of his children to his career aspirations.” . . .

As Appellant fails to meet the second prong of *Grimes*, the trial court correctly used Appellant’s earning capacity to determine his support obligation. See Pa.R.C.P. 1910.16-2(d)(4).

Id. at 423-24 (footnotes omitted). Similarly, Defendant’s decision here to forego full time earnings in order to attend college was clearly voluntary and “subordinated the immediate financial needs of his children to his career aspirations.” Inasmuch as Defendant has willfully failed to obtain or maintain appropriate employment, this court may attribute to him an income equal to his earning capacity to help support his three children.

In deciding upon his earning capacity, this court takes into consideration the totality of Defendant’s circumstances, including his age (28),

Laky v. Laky

health, work experience, earnings history and child care responsibilities. Pa.R.C.P. 1910.16-2(d)(4). With regard to Defendant's health, he failed to provide any medical or expert evidence that he is unable to obtain and maintain employment. While he cited the VA's finding of a 60% disability, he failed to provide any evidence connecting that finding to his employability. The record otherwise revealed he has maintained employment since the VA's finding: following his discharge from the military he has been employed full-time as a security guard until he was laid off and has also worked in construction, the latter occurring while he was enrolled in college. The record additionally supports Plaintiff's argument that Defendant refrains from obtaining employment because any income he earns will be attributed to him for support. (N.T. 21-22)

With regard to his child care responsibilities, Defendant has physical custody of the children only on alternating weekends and for one six-week period during the summer, and thus has ample time outside his school commitment to hold a job.⁴ Given all of the factors set forth above, I find that Defendant can realistically hold a full-time job earning \$10 per hour, an income level representative of his prior employment as a security guard and construction and his training as a military police officer.⁵

Educational Grants

Defendant next argues that his income used for support calculation purposes erroneously included federal and state educational grants he receives to cover his living expenses while he attends school. Both parties acknowledge that the issue of whether educational grants are income for support purposes has never been directly addressed by our appellate courts.

"When determining income available for child support, the court must consider all forms of income." *Arbet v. Arbet*, 863 A.2d 34, 40 (Pa. Super. 2004) (citation omitted). All of a parent's resources are available to satisfy the parent's child support obligations. *Rittel v. Rittel*, 485 A.2d 30, 35 (Pa. Super. 1984). To that end, the definition of "income" governing support matters is very broad:

"Income." Includes compensation for services, including, but not limited to, wages, salaries, bonuses, fees, compensation in

4. In a post hearing letter which Defendant's attorney offered to the court addressing the housing allowance, counsel stated that Defendant attends school 7 1/2 months out of the year. (See also Defendant's Post Hearing Brief (p.3, n. 1)).

5. Plaintiff, in her Post Hearing Brief, cites U.S. Census Bureau statistics showing that 72% of all undergraduates work while in college, including 20% who do so full-time.

Laky v. Laky

kind, commissions and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; all forms of retirement; pensions; income from discharge of indebtedness; distributive share of partnership gross income; income in respect of a decedent; income from an interest in an estate or trust; military retirement benefits; railroad employment retirement benefits; social security benefits; temporary and permanent disability benefits; workers' compensation; unemployment compensation; **other entitlements to money or lump sum awards, without regard to source**, including lottery winnings; income tax refunds; insurance compensation or settlements; awards or verdicts; and **any form of payment due to and collectible by an individual regardless of source.**

23 Pa.C.S.A. § 4302 (emphasis added).⁶

At the outset, I note that Defendant receives federal monies through a Pell grant, which is a scholarship program administered by the federal government to benefit baccalaureate students who have not earned a bachelor's or a professional degree.⁷ The nature of Defendant's state grant was not explained beyond that it is an educational grant. In any

6. The Domestic Relations Code definition has been incorporated into the Support Guidelines, as follows:

1910.16-2. Support Guidelines. Calculations of Net Income:

(a) *Monthly Gross Income.* Monthly gross income is ordinarily base upon at least a six-month average of all of a party's income. The term "income" is defined by the support law, 23 Pa.C.S.A. § 4302, and includes income from any source. The statute lists many types of income including but not limited to:

- (1) wages, salaries, bonuses, fees and commissions;
- (2) net income from business or dealings in property;
- (3) interest, rents, royalties, and dividends;
- (4) pensions and all forms of retirement;
- (5) income from an interest in an estate or trust;
- (6) Social Security disability benefits, Social Security retirement benefits, temporary and permanent disability benefits, workers' compensation and unemployment compensation;
- (7) alimony if, in the discretion of the trier of fact, inclusion of part or all of it is appropriated; and
- (8) other entitlements to money or lump sum awards, without regard to source, including lottery winnings, income tax refunds, insurance compensation or settlements; awards and verdicts; and any form of payment due to and collectible by an individual regardless of source.

Pa.R.C.P. 1910.16-2.

7. See <https://studentaid.ed.gov/fafsa/next-steps/receive-aid> (visited 6/12/14).

Laky v. Laky

event, these grants would seem to clearly fall within the catchall portion of this “income” definition, as “other entitlements to money... without regard to source, ... and any form of payment due to and collectible by an individual regardless of source.” *Id.*

Defendant disagrees that these monies fall within the catchall language. Instead, he argues that the grant monies should be characterized either as gifts from the government or as public assistance, both categories of which are excluded from income under support law. *See Suzanne D. v. Stephen W.*, 65 A.3d 965 (Pa. Super. 2013) (gifts are not income) and Pa.R.C.P. 1910.16-2(b)(1) (“public assistance ... shall not be counted as income for purposes of determining support”).

The facts of this case are distinguishable from *Suzanne D.*, cited by Defendant in support of his argument that the grants are gifts. There the court held that cash payments from a grandfather to his grandson were gifts, and thus did not meet the statutory definition of income. *Id.* at 970 (citing *Jacobs v. Jacobs*, 884 A.2d 301 (Pa. Super. 2005)). The court found evidence that the grandson could ask the grandfather for money as he needed and the grandfather testified that he would transfer the money to the grandson whenever requested. *Id.* at 971. Federal and state educational grants are clearly distinguishable from the gifts described in *Suzanne D.* Educational grants are not random handouts and individuals must meet certain requirements in order to qualify. Unlike *Suzanne D.*, where the grandson had the luxury of requesting periodic monetary payments, in our case, Defendant cannot ask the federal or state governments for the educational grants as he needs them. In order to receive them, Defendant is required to be enrolled in an undergraduate program and meet the minimum guidelines for financial need.

Defendant also suggests the educational grant monies should be treated as “public assistance,” which is excluded from income under Rule 1919.16-2(b). While the Support Guidelines do not define “public assistance,” it generally consists of means-tested benefits available to needy persons which are administered by the Department of Public Welfare under the Public Welfare Code. *See* 62 P.S. § 101 et seq. Such benefits include Temporary Assistance to Needy Families (TANF) (which includes cash assistance, food stamps, medical assistance), general assistance and state supplemental assistance. *See* e.g. 62 P.S. §§ 402, 432, 432.23. Educational grants do not fall within any of the categories recognized as “public assistance” under the Public Welfare Code and Defendant has not otherwise offered any legal authority that they can be considered public assistance.

Laky v. Laky

This court is cognizant of at least two other jurisdictions which have concluded that federal Pell grants are not income for purposes of determining child support. *In re Marriage of Thibadeau*, 441 N.W.2d 281 (Wis. App. 1989) and *Mariana D. v. Frank D.*, 858 N.Y.S.2d 864 (Fam. Ct. 2008). These cases are readily distinguishable, however, inasmuch as they rely upon statutory definitions peculiar to their state and/or federal tax law. Significantly, support law in both jurisdictions use “gross income” as reported on the federal income tax return as the starting point for determining income available for support. Because federal law specifically excludes educational grants as income for federal tax purposes, Pell grants are excluded from support considerations, particularly where they are not otherwise enumerated as income within the relevant support law. *Thibadeau* at 285; *Mariana D.* at 870. *Compare In re Marriage of Syverson*, 931 P.2d 691, 698 (Mont.1997) (holding that a federal Pell grant is income for support purposes since state law specifically includes grants as income if “intended to subsidize the parent’s living expenses”); Me. Rev. Stat. tit. 19-A, § 2001 (including educational grants in its “gross income” definition if available for personal living expenses); and *McKyer v. McKyer*, 632 S.E.2d 828, 835-36 (N.C. App. 2006) (remanding case back to trial court to determine if a Pell grant should be excluded as income under N.C. law as a “benefit ... from means-tested public assistance program” or included to the extent the funds reduced the recipient’s personal living expenses).

Pennsylvania does not utilize federal gross income as a starting point for determining income available for support. Additionally, and most certainly determinative within this jurisdiction, our income definition includes the extremely broad catchall language included in the Domestic Relations Code and the Support Guidelines (i.e. income includes “other entitlements to money... without regard to source, ... and any form of payment due to and collectible by an individual regardless of source”). Furthermore, the record presented before this court revealed that the grant monies Defendant receives are available to cover his personal living expenses and thus reflect the true nature and extent of his financial resources.⁸ As noted, his tuition is completely covered by the GI Bill. In addition, he receives a housing allowance for the months he is considered in school, an allowance which appears to be a windfall to Defendant inasmuch as he lives with his mother.

8. According to the government website, Pell grants are paid directly to the college which first applies the monies toward tuition, fees, and room and board (where the student lives on campus). Any money left over is paid to the student. <https://studentaid.ed.gov/fafsa/next-steps/receive-aid> (visited 6/12/14).

Laky v. Laky

This situation is analogous to a decision I rendered in *Ether v. Ether*, 122 Dauph. Co. Rptr. 238 (Dauphin County 2004). There I held that father's receipt of three standard military allowances (subsistence, housing and a family separation allowance) must be included in his income for support purposes, reasoning as follows:

The per diem payments fall within the definition of income because they are "any form of payment due to and collectible by an individual regardless of source." 23 Pa.C.S.A. § 4302. This conclusion is supported by *Alexander v. Armstrong*, 609 A.2d 183 (Pa. Super. 1992). There, the superior court held that the father's military allowances - for basic allowance for quarters (BAQ) and variable housing allowance (VHA) - constituted income to him for the purpose of calculating his child support obligation. [footnote omitted] The court so held even though the definition of income did not specifically refer to these allowances as income. *Id.* at 185. The court also rejected father's argument that the allowances could not be classified as income because they were excluded as gross income by the IRS. The court reasoned that the Internal Revenue Code and the support law of Pennsylvania serve different purposes. The purpose of the former is reaching taxable income while the purpose of the latter is reaching the amount of the parents' incomes to determine the amount each can pay to support their child(ren). *Id.* at 186.

The per diem payments made to Mr. Ether while on temporary active duty entirely covered his rental costs, utilities and meals. [citation omitted] As such, they must be considered income to him. *See, Com. ex rel. Homsher v. Homsher*, 432 A.2d 1076, 1078 (Pa. Super. 1981) (court included as part of obligor's income his use of a rent-free house and paid utilities for purpose of calculating his spousal support obligation). Furthermore, the per diem payments are analogous to employer-provided perquisites, which are included as income under support law since they are reflective of the true nature and extent of a party's financial resources. [citations omitted].

Id. at 242-43. *See also Krankowski v. O'Neil*, 928 A.2d 284, 286 (Pa. Super. 2007) (living quarter and post allowances paid by the military are included as net income for child support calculations). Because these grant monies reflect the true nature and extent of Defendant's income and financial resources they must be included as income to him.

Laky v. Laky

Finally, Defendant argues that assigning him an earning capacity and treating his federal and state grants as income is in effect double- or even triple-dipping. Defendant's contention is erroneous because his income is not being attributed doubly or triply from the same source. Educational grants and earning capacity (based upon predicted wages) are clearly separate sources of income.

Accordingly, Defendant's monthly net income from August 1, 2013 through December 31, 2013 is \$4,342.65. Plaintiff's monthly net income from August 1, 2013 through January 13, 2014 is \$1,149.88 and her monthly net income from January 14, 2014 to date is \$1,456.52.⁹ As such, Defendant's support obligations are as follows:

- (1) effective, August 1, 2013 through November 12, 2013, Defendant owes \$2,346.59 per month allocated \$1,989.51 for child support (\$1,304.49 basic child support, \$665.21 child care, \$19.81 extracurricular expenses) and \$357.08 for spousal support;
- (2) effective November 13, 2013, the date of the parties' divorce through January 13, 2014, the order is reduced to child support only, of \$1,989.51 for child support; and
- (3) effective January 14, 2014 to date, the order for child support is \$1,882.34 per month (\$1,266.39 basic child support, \$597.87 child care, \$18.08 extracurricular expenses).

Defendant, while not working and having minimal living expenses, receives a yearly \$5,645 federal Pell grant, \$3,700 state educational grant, \$10,179 housing allowance and \$15,372 VA benefits, a total net of \$34,896, or \$2,908 per month. From this he is ordered to pay \$1,304.49 basic child support for his three children under the first two orders and \$1,266.39 under the current order. I find that amount to be fair as outlined above, as well as appropriate under the law.¹⁰ Accordingly, I enter the following:

9. The parties' monthly net income figures were calculated by the Domestic Relations Section under PACSES (Pa. Child Support Enforcement System). Defendant's income included the following components; earning capacity of \$400 per week (gross), \$5,645 per year federal Pell grant (net), \$3,700 per year state grant (net), \$10,179 per year housing allowance (net) and \$15,372 per year VA benefits (net). For 2014, Defendant's monthly net income increased by less than \$3 due to tax code changes. This slight increase did not alter his support obligation under the Guidelines. Plaintiff's income from August 1, 2013 through January 13, 2014 is based upon her previously assigned earning capacity of \$7.50 per hour, forty hours per week. Her income from January 14, 2014 to date is based her current income of \$9.50 per hour over full-time hours (forty hours per week).

10. Defendant's lack of living expenses could be considered a factor warranting an upward deviation of his support obligation. The record, however, was insufficient on this issue and the other relevant deviation factors, *See* Pa. R.C.P. 1910.16-5(a) and (b)(3.5.9).

Laky v. Laky

ORDER

AND NOW, this 24th day of June, 2014, Defendant's support obligation is as follows:

(1) Effective, August 1, 2013 through November 12, 2013, Defendant owes \$2,346.59 per month allocated \$1,989.51 for child support (\$1,304.49 basic child support, \$665.21 child care, \$19.81 extracurricular expenses) and \$357.08 for spousal support.

(2) Effective November 13, 2013, the date of the parties' divorce through January 13, 2014, the order is reduced to child support only, of \$1,989.51 for child support.

(3) Effective January 14, 2014 to date, the order for child support is \$1,882.34 per month (\$1,266.39 basic child support, \$597.87 child care, \$18.08 extracurricular expenses).¹¹

Effective August 1, 2013 through November 12, 2013, Defendant to pay 80% of unreimbursed medical expenses that exceed \$250 annually per child and/or spouse. Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental, orthodontic, optical, psychiatric, psychological or mental health counseling. Medical expenses do not include cosmetic or chiropractic services unless specifically directed in the order.

Effective November 13, 2013 through January 13, 2014, Defendant to pay 80% of unreimbursed medical expenses that exceed \$250 annually per child only, as described above.

Effective January 14, 2014 to date, Defendant to pay 75% of unreimbursed medical expenses that exceed \$250 annually per child only, as described above.

Plaintiff is responsible to pay the first \$250 annually (per child and/or spouse) in unreimbursed medical expenses.

Plaintiff to continue to provide medical coverage for the children (thru CHIP).

— o —

11. The extracurricular expenses include Defendant's obligation for his portion of the children's dance lessons paid by Plaintiff less a credit for Plaintiff's obligation to Defendant for her portion of the children's bowling expenses paid by Defendant.

THIRD PUBLICATION

Estate Notices

ESTATE OF NEDRA G. SMITH, late of Lower Swatara Township, Dauphin County, Pennsylvania. Co-Executors: Michael John Smith, 510 Colony Drive, Middletown, PA 17057 or Joanne Smith Reber, P.O. Box 1335, Camp Hill, PA 17001 or Attorney: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043.

jn27-jy11

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on July 1, 2014, by **Wight Carlson Architectural Services, Inc.**, a foreign corporation formed under the laws of the Commonwealth of Massachusetts, where its principal office is located at 2500 N. Frontage Rd., Darien, IL 60561, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. jy11

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, on May 28, 2014, by **ACCOUNT CONTROL SYSTEMS, INC.**, a foreign corporation formed under the laws of the State of New Jersey, where its principal office is located at 148 Veterans Dr., Ste. D, Northvale, NJ 07648, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o National Registered Agents, Inc., Dauphin County. jy11

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority was filed with the PA Dept. of State on 07/02/2014 by **JHA Money Center, Inc.**, a foreign corporation formed under the laws of the jurisdiction of MO with its principal office located at 663 W Hwy 60, Monett, MO 65708, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. jy11

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 26, 2014, by **PGP International, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 351 Hanson Way, Woodland, CA 95776, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. jy11

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 11, 2014, by **Roxboro Excavation Corp.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1620 Newman Crescent, Dorval, QC, H9P 2R8, Canada, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. jy11

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **Quicksilver Resources Inc.**, a corporation of the State of Delaware, with principal office located at 801 Cherry Street, Ste. 3700, Unit 19, Ft. Worth, TX 76102, and having a Commercial Registered office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on October 18, 2012, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State. jy11

NOTICE IS HEREBY GIVEN that **SL Repair & Hydraulics, LLC**, a Pennsylvania Limited Liability Company under the laws of the Commonwealth of Pennsylvania, with its principal place of business at 347 Weaver Road, Millersburg, Pennsylvania 17061, was issued a Certificate of Organization from the Department of State of the Commonwealth of Pennsylvania on June 2, 2014. The Pennsylvania Limited Liability Company is established under the provisions of the Pennsylvania Limited Liability Company Law of 1994, 15 Pa.C.S. 8913, as amended.

JOSEPH D. KERWIN, ESQUIRE
KERWIN & KERWIN, LLP
Attorneys-at-Law

4245 State Route 209

Elizabethville, PA 17023

jy11

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 6/6/2014 under the Domestic Business Corporation Law, for **MOONEY INSURANCE BROKERS, INC.**, and the name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. jy11

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of incorporating the below named domestic business corporation pursuant to the provisions of the Business Corporation Law of 1988, as amended.

The name of the corporation is: **Securitology, Inc.**

Stevens & Lee, PC
17 N. 2nd Street, 16th Floor
Harrisburg, PA 17101
jy11

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed and approved by the Department of State, Commonwealth of Pennsylvania for **DONAGAIR, Inc.**, which was incorporated under the provisions of the Business Corporation Law of 1988.

RICHARD S. FRIEDMAN, ESQUIRE
RICHARD S. FRIEDMAN, P.C.
300 N. 2nd Street, Suite 402
Harrisburg, PA 17101
jy11

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on or about June 9, 2014, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **KLN Pro-Services Corp.** c/o National Corporate Research, Ltd.

This corporation is incorporated under the laws of New York. The address of its principal office under the laws of its jurisdiction in which it is incorporated is 18 El Dorado Drive, Chestnut Ridge, NY 10977. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

jy11

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **Kiln Labs Inc.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. jy11

NOTICE IS HEREBY GIVEN that **ID Modeling, Inc.** filed a Certificate of Authority with the Commonwealth of Pennsylvania. The address of the principal office under the laws of its jurisdiction is 55 E. Huntington Dr., Ste. 130, Arcadia CA 91006. The registered agent provider is National Corporate Research, Ltd. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). jy11

NOTICE IS HEREBY GIVEN that **Beaudette Consulting Engineers, Incorporated** a foreign business corporation incorporated under the laws of the State of Montana, where its principal office is located at 131 West Main Street, Missoula, MT 59802, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at 116 Pine. Ste. 320, Harrisburg. PA 17107.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

jy11

NOTICE IS HEREBY GIVEN that **Zinc Ahead Inc.** filed a Certificate of Authority with the Commonwealth of Pennsylvania. The address of the principal office under the laws of its jurisdiction is c/o United Corporate Services, Inc. 874 Walker Rd., Ste. C, Dover, DE 19904. The commercial registered agent provider is United Corporate Services, Inc. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). jy11

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 6/13/2014 under the Domestic Business Corporation Law, for **JCB ENVIRONMENTAL, INC.**, and the name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. jy11

NOTICE IS HEREBY GIVEN that **Advanced Elastomer Systems, Inc.**, a corporation incorporated under the laws of the State of Delaware with its principal office located at 16945 Northchase Dr., Ste. 336, Houston, TX 77060, has filed an Application for Termination of Authority under Section 4129/6129 of the Business Corporation Law on 6/5/2014, and the registered office is located at c/o: Corporation Service Co., Dauphin County. jy11

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **Tri State Credit Restoration Inc.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. jy11

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority was filed with the PA Dept. of State on 06/26/2014 by **Solar Electric Power Association**, a foreign nonprofit corporation formed under the laws of the jurisdiction of Washington, DC with its principal office located 1220 19th St. NW, Suite 800, Washington, DC 20036, to do business in PA under the provisions of the Nonprofit Corporation Law. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. jy11

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Sadie's Scent-sational Soap** for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 3536 Peters Mountain Road, Halifax, PA 17032 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 16th day of June, 2014 pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person or persons owning or interested in the said business are: Kathy M Mumma, 3536 Peters Mountain Road, Halifax, PA 17032. jy11

NOTICE IS HEREBY GIVEN that an application for registration of fictitious name, **GenEthix Diagnostics**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 1214 Research Blvd, Suite 1020, Hummelstown PA 17036 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 25th day of June, 2014 pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person or persons owning or interested in the said business are GenEthix Enterprises LLC, 1214 Research Blvd, Suite 1020, Hummelstown, PA 17036. jy11

NOTICE IS HEREBY GIVEN that a Fictitious Name was filed in the Commonwealth of Pennsylvania on May 21, 2014 for **Compel Fitness Midwest**. The principal place of business is located at 11711 Princeton Pike, Ste. 341-307, Cincinnati, OH 45246. The entity interested in such business is Midwest Fitness LLC with a registered office in care of Business Filings Incorporated at 116 Pine St., Ste. 320, Harrisburg, PA 17101 in Dauphin County. This is filed in accordance with 54 Pa.C.S. 311. jy11

FIRST PUBLICATION

Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY,
PENNSYLVANIA**

NO. 2013-CV-06845-MF

NOTICE OF SHERIFF'S SALE

**GREEN TREE SERVICING LLC,
PLAINTIFF
VS.**

**JAMES A. MEINTEL, ANDREA P. MEINTEL AND DAWN S. KEENE,
DEFENDANT(S)**

NOTICE TO: DAWN S. KEENE

**NOTICE OF SHERIFF'S SALE
OF REAL PROPERTY**

Being Premises: 1935 NORTH STREET, HARRISBURG, PA 17103-1657

Being in HARRISBURG CITY, County of DAUPHIN, Commonwealth of Pennsylvania, 15-010-012-000-0000

Improvements consist of residential property.

Sold as the property of JAMES A. MEINTEL, ANDREA P. MEINTEL and DAWN S. KEENE

Your house (real estate) at 1935 NORTH STREET, HARRISBURG, PA 17103-1657 is scheduled to be sold at the Sheriff's Sale on 09/04/2014 at 10:00 AM, at the DAUPHIN County Courthouse, 101 Market Street, Harrisburg, PA 17107-2012, to enforce the Court Judgment of \$53,302.06 obtained by, GREEN TREE SERVICING LLC (the mortgagee), against the above premises.

**PHELAN HALLINAN, LLP
Attorney for Plaintiff**

jy11

FIRST PUBLICATION

Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS
DAUPHIN COUNTY
PENNSYLVANIA**

NUMBER 2007 CV 04121 MF

**NOTICE OF SHERIFF'S SALE
OF REAL ESTATE PURSUANT TO
PENNSYLVANIA RULE OF
CIVIL PROCEDURE 3129**

**GREEN TREE SERVICING LLC, AS AU-
THORIZED SERVICER FOR FANNIE MAE,
AS OWNER AND HOLDER OF ACCOUNT/
CONTRACT ORIGINATED BY COUNTRY-
WIDE HOME LOANS, OR ITS SUCCESSOR
OR ASSIGNEE, PLAINTIFF**

VS.

**CHRISTOPHER L. BEARD AND JENNIFER
E. BEARD, DEFENDANTS**

TO: Christopher L. Beard
721 Rockford Drive
Harrisburg, Pennsylvania 17112

Jennifer E. Beard
721 Rockford Drive
Harrisburg, Pennsylvania 17112

TAKE NOTICE:

That the Sheriff's Sale of Real Property (real estate) will be held:

DATE: September 4th , 2014

TIME: 10:00 a.m.

LOCATION: Sheriff's Office; Dauphin County Administration Building, Commissioner's Hearing Room, 4th Floor - Market Square, Harrisburg, Pennsylvania 17101

THE PROPERTY TO BE SOLD is delineated in detail in a legal description mainly consisting of a statement of the measured boundaries of the property, together with a brief mention of the buildings and any other major improvements erected on the land.

(SEE DESCRIPTION ATTACHED)

THE LOCATION of your property to be sold is 721 Rockford Drive, Harrisburg, Pennsylvania 17112

THE JUDGMENT under or pursuant to which your property is being sold is docketed in the within Commonwealth and County to: Number 2007 CV 04121 MF

THE NAME OF THE OWNER OR REPUTED OWNER of this property is: Christopher L. Beard and Jennifer E. Beard

A SCHEDULE DISTRIBUTION, being a list of the persons and/or governmental or corporate entities or agencies being entitled to receive part of the proceeds of the sale received and to be disbursed by the Sheriff (for example, to banks that hold mortgages and municipalities that are owed taxes) will be filed by the Sheriff of this County thirty (30) days after the sale and distribution of the proceeds of sale in accordance with this schedule will, in fact, be made unless someone objects by filing exceptions to it within ten (10) days of the date it is filed.

Information about the Schedule of Distribution may be obtained from the Sheriff of the Court of Common Pleas of the within County at the Court-house address specified herein.

THIS PAPER IS A NOTICE OF THE TIME AND PLACE OF THE SALE OF YOUR PROPERTY.

IT HAS BEEN ISSUED BECAUSE THERE IS A JUDGMENT AGAINST YOU.

IT MAY CAUSE YOUR PROPERTY TO BE HELD, TO BE SOLD OR TAKEN TO PAY THE JUDGMENT.

You may have legal rights to prevent your property from being taken away. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, YOU MUST ACT PROMPTLY. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

THE LEGAL RIGHTS YOU MAY HAVE ARE:

1. You may file a petition with the Court of Common Pleas of the within County to open the judgment if you have a meritorious defense against the person or company that has entered judgment against you. You may also file a petition with the same Court if you are aware of a legal defect in the obligation or the procedure used against you.

2. After the Sheriff's Sale, you may file a petition with the Court of Common Pleas of the within County to set aside the sale for a grossly inadequate price or for other proper cause. This petition MUST BE FILED BEFORE THE SHERIFF'S DEED IS DELIVERED.

FIRST PUBLICATION

Miscellaneous Notices

3. A petition or petitions raising the legal issues or rights mentioned in the preceding paragraphs must be presented to the Court of Common Pleas of the within County. The petition must be served on the attorney for the creditor or on the creditor before presentation to the Court and a proposed order or rule must be attached to the petition.

If a specific return date is desired, such date must be obtained from the Court Administrator's Office - Civil Division, of the within County Courthouse, before a presentation to the Court.

SHERIFF'S OFFICE

BY: TERRENCE J. McCABE, ESQUIRE
MARC S. WEISBERG, ESQUIRE
EDWARD D. CONWAY, ESQUIRE
MARGARET GAIRO, ESQUIRE
ANDREW L. MARKOWITZ, ESQUIRE
HEIDI R. SPIVAK, ESQUIRE
MARISA J. COHEN, ESQUIRE
CHRISTINE L. GRAHAM, ESQUIRE
BRIAN T. LAMANNA, ESQUIRE
ANN E. SWARTZ, ESQUIRE
JOSEPH F. RIGA, ESQUIRE
JOSEPH I. FOLEY, ESQUIRE
CELINE P. DERKRIKORIAN, ESQUIRE
JENNIFER L. WUNDER, ESQUIRE
LENA KRAVETS, ESQUIRE
CAROL A. DiPRINZIO, ESQUIRE
McCABE, WEISBERG & CONWAY, P.C.
Attorneys for Plaintiff

123 South Broad Street, Suite 1400
Philadelphia, Pennsylvania 19109

jy11

(215) 790-1010

**IN THE COURT OF COMMON PLEAS
DAUPHIN COUNTY
PENNSYLVANIA**

NUMBER 2013-CV-3006MF

**NOTICE OF SHERIFF'S SALE
OF REAL ESTATE PURSUANT TO
PENNSYLVANIA RULE OF
CIVIL PROCEDURE 3129**

**NATIONSTAR MORTGAGE LLC,
PLAINTIFF
VS.
THOMAS W. GORMAN, DEFENDANT**

TO: Thomas W. Gorman
1922 Forster Street
Harrisburg, Pennsylvania 17103

TAKE NOTICE:

That the Sheriff's Sale of Real Property (real estate) will be held:

DATE: September 4th, 2014

TIME: 10:00 a.m.

LOCATION: Sheriff's Office, Dauphin County Administration Building, Commissioner's Hearing Room, 4th Floor - Market Square, Harrisburg, Pennsylvania 17101

THE PROPERTY TO BE SOLD is delineated in detail in a legal description mainly consisting of a statement of the measured boundaries of the property, together with a brief mention of the buildings and any other major improvements erected on the land.

(SEE DESCRIPTION ATTACHED)

THE LOCATION of your property to be sold is 1922 Forster Street, Harrisburg, Pennsylvania 17103

THE JUDGMENT under or pursuant to which your property is being sold is docketed in the within Commonwealth and County to: Number 2013-CV-3006MF

THE NAME OF THE OWNER OR REPUTED OWNER of this property is: Thomas W. Gorman

A SCHEDULE DISTRIBUTION, being a list of the persons and/or governmental or corporate entities or agencies being entitled to receive part of the proceeds of the sale received and to be disbursed by the Sheriff (for example, to banks that hold mortgages and municipalities that are owed taxes) will be filed by the Sheriff of this County thirty (30) days after the sale and distribution of the proceeds of sale in accordance with this schedule will, in fact, be made unless someone objects by filing exceptions to it within ten (10) days of the date it is filed.

Information about the Schedule of Distribution may be obtained from the Sheriff of the Court of Common Pleas of the within County at the Courthouse address specified herein.

THIS PAPER IS A NOTICE OF THE TIME AND PLACE OF THE SALE OF YOUR PROPERTY.

IT HAS BEEN ISSUED BECAUSE THERE IS A JUDGMENT AGAINST YOU.

IT MAY CAUSE YOUR PROPERTY TO BE HELD, TO BE SOLD OR TAKEN TO PAY THE JUDGMENT.

You may have legal rights to prevent your property from being taken away. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, YOU MUST ACT PROMPTLY. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

FIRST PUBLICATION

Miscellaneous Notices

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

THE LEGAL RIGHTS YOU MAY HAVE ARE:

1. You may file a petition with the Court of Common Pleas of the within County to open the judgment if you have a meritorious defense against the person or company that has entered judgment against you. You may also file a petition with the same Court if you are aware of a legal defect in the obligation or the procedure used against you.

2. After the Sheriff's Sale, you may file a petition with the Court of Common Pleas of the within County to set aside the sale for a grossly inadequate price or for other proper cause. This petition **MUST BE FILED BEFORE THE SHERIFF'S DEED IS DELIVERED.**

3. A petition or petitions raising the legal issues or rights mentioned in the preceding paragraphs must be presented to the Court of Common Pleas of the within County. The petition must be served on the attorney for the creditor or on the creditor before presentation to the Court and a proposed order or rule must be attached to the petition.

If a specific return date is desired, such date must be obtained from the Court Administrator's Office - Civil Division, of the within County Courthouse, before a presentation to the Court.

SHERIFF'S OFFICE

BY: TERRENCE J. McCABE, ESQUIRE
MARC S. WEISBERG, ESQUIRE
EDWARD D. CONWAY, ESQUIRE
MARGARET GAIRO, ESQUIRE
ANDREW L. MARKOWITZ, ESQUIRE
HEIDI R. SPIVAK, ESQUIRE
MARISA J. COHEN, ESQUIRE
CHRISTINE L. GRAHAM, ESQUIRE
BRIAN T. LAMANNA, ESQUIRE
ANN E. SWARTZ, ESQUIRE
JOSEPH F. RIGA, ESQUIRE
JOSEPH I. FOLEY, ESQUIRE
CELINE P. DERKRIKORIAN, ESQUIRE
JENNIFER L. WUNDER, ESQUIRE
LENA KRAVETS, ESQUIRE
CAROL A. DiPRINZIO, ESQUIRE
McCABE, WEISBERG & CONWAY, P.C.

Attorneys for Plaintiff
123 South Broad Street, Suite 1400
Philadelphia, Pennsylvania 19109
(215) 790-1010

jj11

**IN THE COURT OF COMMON PLEAS OF
FOR DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION: 2014 CV 2476 EJ

COMPLAINT IN EJECTMENT

**WELLS FARGO BANK, N.A., SUCCESSOR
BY MERGER TO WELLS FARGO BANK
MINNESOTA, N.A., AS TRUSTEE F/K/A
NORWEST BANK MINNESOTA, N.A., AS
TRUSTEE FOR THE REGISTERED HOLD-
ERS OF RENAISSANCE HOME EQUITY
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2003-1 C/O OCWEN LOAN SERVIC-
ING, LLC, PLAINTIFF
VS.**

**TERRANCE WHITE AND JOHN DOE
(OCCUPANT), DEFENDANT(S)**

TO: TERRANCE WHITE AND JOHN DOE
(OCCUPANTS), Defendant(s), whose last known
address is 2734 Wilson Parkway, Harrisburg, PA
17104.

You have been sued in Ejectment on premises:
2734 Wilson Parkway, Harrisburg, PA 17104 by
virtue of Sheriff's Sale held on January 9, 2014 by
the Sheriff of Dauphin County.

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim in the Complaint of for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO
YOUR LAWYER AT ONCE. IF YOU DO NOT
HAVE A LAWYER OR CANNOT AFFORD
ONE, GO TO OR TELEPHONE THE OFFICE
SET FORTH BELOW. THIS OFFICE CAN
PROVIDE YOU WITH INFORMATION
ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A
LAWYER, THIS OFFICE MAY BE ABLE TO
PROVIDE YOU WITH INFORMATION
ABOUT AGENCIES THAT MAY OFFER LE-
GAL SERVICES TO ELIGIBLE PERSONS AT
A REDUCED FEE OR NO FEE.**

FIRST PUBLICATION

Miscellaneous Notices

DAUPHIN COUNTY LAWYER
REFERRAL SERVICE
213 N. Front St., Harrisburg, PA 17101
717-232-7536

M. TROY FREEDMAN, EDWARD J. MCKEE, ATTYS.
FOR PLAINTIFF
STERN & EISENBERG, PC
1581 MAIN STREET, SUITE 200
WARRINGTON, PENNSYLVANIA 18976
jy11 (215) 572-8111

**IN THE COURT OF COMMON PLEAS
DAUPHIN COUNTY
PENNSYLVANIA**

NUMBER: 2013-CV-10567-QT

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**M&T BANK A/K/A MANUFACTURERS
AND TRADERS TRUST COMPANY, PLAINTIFF
VS.**

THE UNKNOWN HEIRS OF BOYD T. AIKEY, DECEASED, CAROL POWERS, SOLELY IN HER CAPACITY AS HEIR OF BOYD T. AIKEY, DECEASED, CATHY KRAJEWSKI, SOLELY IN HER CAPACITY AS HEIR OF BOYD T. AIKEY, DECEASED, DONNA BRITON, SOLELY IN HER CAPACITY AS HEIR OF BOYD T. AIKEY, DECEASED, KAREN AIKEY, SOLELY IN HER CAPACITY AS HEIR OF BOYD T. AIKEY, DECEASED, PAULA GENTRY, SOLELY IN HER CAPACITY AS HEIR OF BOYD T. AIKEY, DECEASED AND RITA FITZ-JAMES, SOLELY IN HER CAPACITY AS HEIR OF BOYD T. AIKEY, DECEASED, DEFENDANTS

TO: Karen Aikey, Solely in Her Capacity as Heir of Boyd T. Aikey, Deceased.

Premises subject to foreclosure: 513 Blue Eagle Avenue, Harrisburg, Pennsylvania 17112.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you. You should take this notice to your lawyer at once.

If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer.

If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, Pennsylvania 17101
(717) 232-7536

McCabe, Weisberg & Conway, P.C.,
Attorneys for Plaintiff
123 S. Broad St., Ste. 1400
Philadelphia, PA 19109
215-790-1010

jy11

FIRST PUBLICATION

Name Change Notices

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

NO. 2014 CV 5069 NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on June 16, 2014, the Petition of Lawrence W. and Viktoriya V. Steinmeyer for the minor child Sofiya I. Knok was filed in the above named court, requesting a decree to change her name from **Sofiya I. Knok to Sophia Christy Steinmeyer**.

The Court has fixed July 28, 2014 in Courtroom No. 11, at 1:30 P.M., at the Juvenile Justice Center, 25 South Front Street, 7th Floor, Harrisburg, PA as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted.
jy11

FIRST PUBLICATION

Name Change Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

DOCKET NO.: 2014-CV-4716-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on May 23, 2014, the Petition of Larry Wade Hutcheson was filed in the above named court, requesting a decree to change his name from **Larry Wade Hutcheson to Wade Hutcheson**.

The Court has fixed July 28, 2014 in Courtroom No. 11, at 1:30 at the Juvenile Justice Center, 25 South Front Street, 7th Floor, Harrisburg, PA as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted.

Attorney Steven M. Serra, Esq.
1909 N. Front Street
Harrisburg, PA 17102

jy11

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

DOCKET NO: 2014-CV-1154-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on June 17, 2014, the Petition of Abraheem Robinson was filed in the above named court, requesting a decree to change his name from **Abraheem Robinson to Shaquille Abe Moore**.

The Court has fixed Monday, July 28, 2014 in Courtroom No. 11, at 1:30 p.m., at the Juvenile Justice Center, 25 South Front Street, 7th Floor, Harrisburg, PA as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted. jy11

**INCORPORATION AND
LIMITED LIABILITY COMPANY
FORMATION**

CONVENIENT, COURTEOUS SAME DAY SERVICE

PREPARATION AND FILING SERVICES IN ALL STATES

**CORPORATION OUTFITS AND
LIMITED LIABILITY COMPANY OUTFITS**

SAME DAY SHIPMENT OF YOUR ORDER

**CORPORATION, LIMITED LIABILITY COMPANY
AND UCC FORMS**

**CORPORATE AND UCC, LIEN AND
JUDGMENT SERVICES**

M. BURRKEIM COMPANY

SERVING THE LEGAL PROFESSIONAL SINCE 1931

PHONE: (800) 533-8113 FAX: (888) 977-9386

2021 ARCH STREET, PHILADELPHIA, PA 19103

WWW.MBURRKEIM.COM

BAR ASSOCIATION PAGE
Dauphin County Bar Association
213 North Front Street, Harrisburg, PA 17101-1493
Phone: (717) 232-7536 Fax: (717) 234-4582

Board of Directors

John D. Sheridan
President

Pamela C. Polacek
President-Elect

J. Michael Sheldon
Vice-President

James J. McCarthy, Jr.
Treasurer

Edward F. Spreha, Jr.
Secretary

Jonathan W. Kunkel
Past President

Anthony F. Andrisano, Jr.
Young Lawyers' Chair

Nicole R. Antos
Young Lawyers' Vice Chair

Directors:

Directors

William L. Adler
C. Grainger Bowman
Robert E. Chernicoff
Peter M. Good
Matthew M. Haar
Dale E. Klein
Quintina M. Laudermilch
Terrence J. McGowan

Renee C. Mattei Myers
Tina L. Orndorff
Judson B. Perry
Richard L. Placey
Narciso Rodriguez-Cayro
Kimberly A. Selamba
Bradley A. Winnick

The Board of Directors of the Bar Association meets on the third Thursday of the month at the Bar Association headquarters. Anyone wishing to attend or have matters brought before the Board should contact the Bar Association office in advance.

REPORTING OF ERRORS IN ADVANCE SHEET

The Bench and Bar will contribute to the accuracy in matters of detail of the permanent edition of the Dauphin County Reporter by sending to the editor promptly, notice of all errors appearing in this advance sheet. Inasmuch as corrections are made on a continuous basis, there can be no assurance that corrections can be made later than thirty (30) days from the date of this issue but this should not discourage the submission of notice of errors after thirty (30) days since they will be handled in some way if at all possible. Please send such notice of errors to: Dauphin County Reporter, Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101-1493.

DAUPHIN COUNTY COURT SECTION

Opinions Not Yet Reported

COUNTRY LAWYER ESTATE FOR SALE: Single family home over 7,000 square feet of living space with 4 bedrooms and 4 baths. Includes an Attorney's office, Paralegal office and Deposition room. Only 15 minute drive to courthouse. Three income producing apartments. Beautiful 3.5 acre setting with pond and stream. A very large great room with bar ideal for large fundraising and social events. For more information http://www.howardhanna.com/property/property.asp?PRM_MLSNumber=10252512&PRM_MlsName=Centralpenn.

jn27-jy11

BAR ASSOCIATION PAGE
Dauphin County Bar Association
213 North Front Street, Harrisburg, PA 17101-1493
Phone: (717) 232-7536 Fax: (717) 234-4582

Attorney: Established West Shore Law Firm is seeking to expand its practice through the addition of a knowledgeable partner-level attorney with a portable practice. The ideal candidate should have business, transactional, litigation, estate planning experience or a boutique practice that complements the Law Firms' existing practice areas. We offer a competitive salary commensurate with experience and a full benefits package. All resumes in strictest confidence. Please forward cover letter and resume to Dauphin County Reporter, 213 North Front Street, Harrisburg, PA 17101, Attn: L, Personal and Confidential.

jy4-18

PUBLIC NOTICE
OF PROPOSED AMENDMENTS TO THE LOCAL RULES OF COURT
OF THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA TO BECOME EFFECTIVE DECEMBER 1, 2014
PUBLIC COMMENT PERIOD ENDS August 22, 2014

The U.S. District Court for the Middle District of Pennsylvania is proposing to amend the Local Rules of Court as provisionally approved by the Board of Judges. Pursuant to 28 U.S.C. ' 2071 and in accordance with Fed. R Civ. P. 83 (a)(1), the Court hereby offers public notice of the proposed amendments and seeks public comment. Amendments to the Local Rules will become effective December 1, 2014.

A copy of the proposed amendments to the Local Rules of Court may be obtained from the Clerk's Office and the Court's web site @ www.pamd.uscourts.gov. Comments must be submitted in writing to the Clerk of Court, Maria E. Elkins, William J. Nealon Federal Building and U.S. Courthouse, 235 North Washington Ave. P.O. Box 1148, Scranton, PA 18501-1148 by August 22, 2014.

jy4-11

Tri-State Shredding



**“Your
Document
Shredding
Specialist”**

Are You HIPAA Compliant??

**On-Site and Off-Site
Document Shredding**

Bonded Personnel with 10 years experience
***“DON'T THROW YOUR BUSINESS OUT
WITH YOUR TRASH”***

CALL 717-233-5606 TODAY
www.tristateshredding.com

CUMULATIVE TABLE OF CASES

Borough of Middletown v. Pappas214
 Brabham-Lawrence, Commonwealth v.188

Cameron et. al. v. Weinstock et. al. v Vanetten (In Re: Estate of Raymond E. Frank).....392
 Central Dauphin School District v. Garisto111
 Chavious, Commonwealth v.300
 Commonwealth v. Brabham-Lawrence.....188
 Commonwealth v. Chavious300
 Commonwealth v. Lee232
 Commonwealth v. Schildt169
 Commonwealth v. Tolbert144
 Commonwealth v. Vega351
 Country Meadows of Hershey, Wade v. Field v.259

Dialysis Properties, LP et al., Williams v.....270
 Doctor’s Choice Physical Medicine & Rehabilitation Center, P.C. v.
 Travelers Personal Insurance Company163

Eugene v. Eugene.384
 Eugene, Eugene v.384

F.B. v. M.R.277
 Field v. Country Meadows of Hershey, Wade v.259

Garisto, Central Dauphin School District v.111

Immanuel v. Members 1st Federal Credit Union.....245

J.E.F. v. K.J.F.196
 Jewish Home of Greater Harrisburg, Laffe v.94

K.J.F., J.E.F. v.196
 K.M.D., P.D.D. v.312

Laffe v. Jewish Home of Greater Harrisburg94
 Laky v. Laky404
 Laky, Laky v.404
 Lee, Commonwealth v.232

M.R., F.B., v.277
 Members 1st Federal Credit Union , Immanuel v.....245
 Myshin v. Myshin.....128
 Myshin, Myshin v.128

P.D.D. v. K.M.D.312
 Pappas, Borough of Middletown v.214
 Pennsylvania State Board of Nursing, Poskin v.....222
 Porter, Price v.78
 Poskin v. Pennsylvania State Board of Nursing.....222
 Price v. Porter78

Rapp v. Rapp330
 Rapp, Rapp v.330

Cumulative Table of Cases

Rippon v. Rippon	370
Rippon, Rippon v.....	370
Schildt, Commonwealth v.	169
Stelter v. Stelter	293
Stelter, Stelter v.	293
Tolbert, Commonwealth v.	144
Travelers Personal Insurance Company, Doctor's Choice Physical Medicine & Rehabilitation Center, P.C. v.	163
Vanetten, Cameron et. al. v. Weinstock et. al. v (In Re: Estate of Raymond E. Frank).....	392
Vega, Commonwealth v.	351
Wade v. Field v., Country Meadows of Hershey	259
Wagner v. Wagner.....	1
Wagner, Wagner v.	1
Weinstock et. al. v Vanetten, Cameron et. al. v. (In Re: Estate of Raymond E. Frank).....	392
Williams v. Dialysis Properties, LP et al.....	270

ATTORNEY DISCIPLINARY / ETHICS MATTERS

Representation, consultation and expert testimony in disciplinary matters and matters involving ethical issues, bar admissions and the Rules of Professional Conduct

James C. Schwartzman, Esq.

Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania
• Former Federal Prosecutor • Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania • Chair, Pennsylvania Interest on Lawyers Trust Account Board • Selected by his peers as one of the top 100 Super Lawyers in Pennsylvania • Named by his peers to *Best Lawyers in America* in the areas of ethics and professional responsibility and legal malpractice

17 North Second Street, 16th Floor • Harrisburg, PA 17101
(717) 255-7388



Commercial Real Estate Services, Worldwide.

EXPERT SOLUTIONS FOR REAL ESTATE CHALLENGES

- Industrial
- Land
- Retail
- Mangement
- Office
- Hospitality
- Consulting
- Testimony

Central Pennsylvania's No. 1 Ranked
Commercial Real Estate Firm

*Ranked by transaction volume CBJ through 2014

1015 Mumma Drive
Lemoyne, PA
+1 717 761 5070
naicir.com

Visit the LCL WEBSITE

Lawyers Confidential Helpline: 1-888-999-1941

Lawyers Concerned for Lawyers



Our assistance is:

- Confidential
- Non-judgmental
- Safe
- Effective

To talk to a lawyer
today, call:
1-888-999-1941
(717) 541-4360

Suffering is not necessary. Help is available.

Since 1988, we have been discreetly helping lawyers struggling with:

Anxiety
Depression

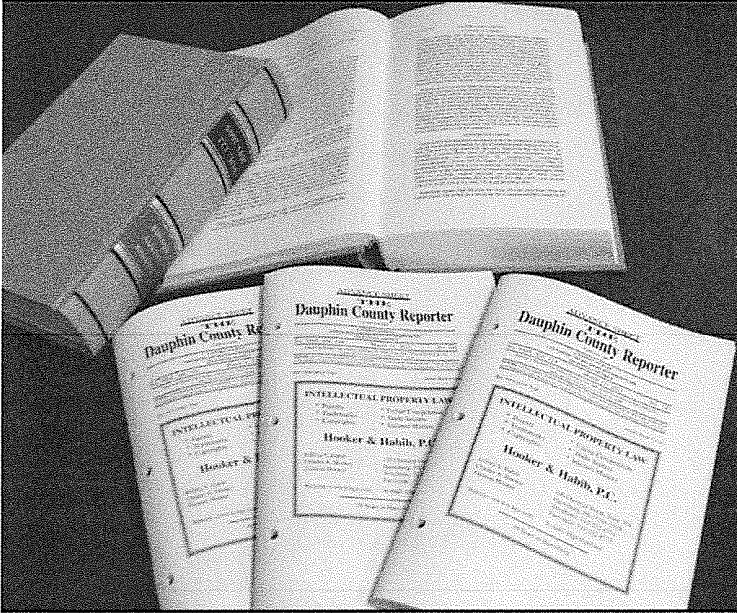
Bipolar
Alcohol

Drugs
Gambling

Grief
Eating Disorders

Other Serious
emotional
problems

*Printing The Dauphin County Reporter
every week for over 100 years*



KURZENKNABE PRESS

*Let us show you that a printing press is not just
a mechanical device for transferring an image to paper,
but a way to transfer "your image" to the world.*

1424 Herr Street • Harrisburg, PA 17103
(717) 232-0541 • FAX 232-7458 • Toll Free 1-888-883-2598
kurzenknabepress@comcast.net • www.kurzenknabepress.com

Invitations • Announcements • Legal Briefs • Legal Backers • Newsletters • Business Cards
Business Forms • Envelopes • Flyers • Brochures • Posters • Tickets • Labels
Multi Color Printing • Bindery • Mailing and so much more

Quality Printing Since 1893



TRIAL AHEAD? Consider the DCBA MEDIATION PROGRAM

- **Trained, Experienced Mediators**
 - **Local and Accessible**
 - **Cost effective vs. non-local mediators**
 - **Proven Results**
-

Call 717-232-7536 or visit
[https://www.dcba-
pa.org/Community%20Service%20Programs/MediationProgram.aspx](https://www.dcba-pa.org/Community%20Service%20Programs/MediationProgram.aspx)
for details.



INTELLECTUAL PROPERTY LAW

- * Patents
- * Trademarks
- * Copyrights
- * Unfair Competition
- * Trade Secrets
- * Internet Matters

Hooker & Habib, P.C.

100 Chestnut Street, Suite 304
Harrisburg, PA 17101-2518
Telephone: 717-232-8771
Facsimile: 717-232-8773
E-mail: hhpc@ptd.net
Website: www.h-hpc.com

43 Years in Harrisburg